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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/618,480

07/11/2003

Arvind Kumar

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09/26/2008

INTEL/BSTZ

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EXAMINER

ISMAIL, SHAWKI SAIF

ART UNIT

PAPER NUMBER

2155

MAIL DATE

DELIVERY MODE

09/26/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/618,480	Applicant(s) KUMAR, ARVIND	
	Examiner SHAWKI S. ISMAIL	Art Unit 2155	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 August 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: NONE.
- Claim(s) objected to: NONE.
- Claim(s) rejected: 1-22.
- Claim(s) withdrawn from consideration: NONE.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/saleh najjar/
Supervisory Patent Examiner, Art Unit 2155

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argues in substance that it is neither explicitly nor inherently disclosed in Horvitz to configure a plurality of automatic response email messages, each of the plurality of automatic response email messages tailored for a type of the incoming email messages. Thus, neither McCormick nor Horvitz disclose at least this limitation of claim 1. Therefore, given the deficiencies of McCormick and Horvitz, Applicant submits claims 1, 8 and 15 are not obvious. The examiner respectfully disagrees. Horvitz teaches that another functionality that can be provided is via an automated agent. For example, depending on the sender, the agent can respond with a recommendation about another channel or about changing the nature of the message (e.g., raising the message priority so it will page the user) along with the forecast on availability (e.g., "The user will not likely see your email for 4 hours; You may desire to try him at this number if it is very important; he will likely be available at this number in ... 30 minutes: 425-555-1212). In this example, it can be observed that forecasts about the time to availability of different modalities can be utilized together to help coordinate communications.

Horvitz further teaches a priorities messaging service may be provided wherein automated responses of return are generated based upon a predetermined urgency threshold associated with incoming messages above the urgency threshold. Additionally, the automated response can be tailored via a user configuration interface to send automated responses to messages that warrant some type of feedback from the user. User availability and expected return information may also be utilized to guide messaging decisions from automated messaging systems. For example, depending on an inferred or sensed urgency of a given message, and/or depending on who the sender or contactor is, and/or depending on combinations of urgency and the sender, and/or based upon the urgency threshold and the amount of time a user is expected to return to a message location, the message may be directed to a particular device such as a cell phone or pager instead of and/or in conjunction with an e-mail, for example, in order to facilitate that urgent messages have a better chance of reaching a desired party. Additionally, such times can be employed to automatically schedule future communications, such as real-time communications based on a forecast of when a user will have access to one or more modalities of communication. (Refer to Horvitz, paragraph [0013 and 0014]) Horvitz clearly teaches configuring a plurality of automatic response email messages, each of the plurality of automatic response email messages tailored for a type of the incoming email messages. Therefore, McCormick in view of Horvitz meets the scope of the claimed limitation and renders the claims obvious.